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12 \*Attorney for Petitioner Luis Gonzalas

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

12 Luis Gonzalas,  
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14 Petitioner,  
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16 v.  
17 Brian Williams, et. al.,  
18  
19 Respondents.

Case No. 2:17-cv-01653-RFB-GWF  
**Unopposed Motion for Extension  
of Time to File Amended Petition**  
(Second Request)

20 Petitioner Luis Gonzalas, by and through counsel, C.B. Kirschner, Assistant  
21 Federal Public Defender, moves this Court for an extension of time of sixty (60) days  
22 from September 17, 2018, to and including November 16, 2018, to file the First  
23 Amended Petition.  
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1 **POINTS AND AUTHORITIES**

2 1. On or about February 11, 2008, Luis Gonzalas, was sentenced to life  
3 with the possibility of parole, following his conviction for murder with use of a  
4 deadly weapon. On May 25, 2017, he filed a Petition for Writ of Habeas Corpus  
5 Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Not Sentenced to  
6 Death). ECF No. 1-1. Mr. Gonzalas remains incarcerated with the Nevada  
7 Department of Corrections.

8 2. This Court appointed the Office of the Federal Public Defender as  
9 counsel for Mr. Gonzalas and granted leave for counsel to file an Amended Petition  
10 for Writ of Habeas Corpus. ECF Nos. 7 & 11. Counsel entered her appearance on  
11 March 8, 2018. ECF No. 10.

12 3. The Amended Petition is currently due September 17, 2018. Mr.  
13 Gonzalas now requests an additional sixty (60) days, up to and including November  
14 16, 2018, to file the Amended Petition. This is the second request for an extension of  
15 time.

16 4. The additional period of time is necessary in order to effectively  
17 represent Mr. Gonzalas. This motion is filed in the interests of justice and not for  
18 the purposes of unnecessary delay.

19 5. Counsel's schedule necessitates this request. Counsel has been  
20 working on several other cases with recent filing deadlines, including: a First  
21 Amended Petition, filed on August 3, 2018, in *Marshall v. Williams*, case no. 2:18-  
22 cv-00075; an Opposition to Motion to Dismiss, filed August 10, 2018 in *Fields v.*  
23 *Baker*, case no. 3:16-cv-00298; and an Answering Brief with the Ninth Circuit Court  
24 of Appeals, filed on September 7, 2018 in *Hanson v. Baker*, case no. 18-15547.

25 6. Counsel is currently working on numerous upcoming filing deadlines  
26 in other habeas cases, including but not limited to: a Reply Brief due to be filed with

1 the Nevada Supreme Court on October 1, 2018 in *Ennis v. Filson*, case no. 74457 (no  
2 further extensions permitted); an Amended Petition in *Rimer v. Baker*, case no.  
3 3:18-cv-00023, due on September 17, 2018; an Amended Petition in *Silva v.*  
4 *Williams*, case no. 2:17-cv-02149, due on September 25, 2018; and an Amended  
5 Petition in *Chao v. Baker*, case no. 2:14-cv-02039, due on October 1, 2018.

6 7. Counsel will also be out of the office on September 19<sup>th</sup> for personal  
7 reasons, attending a full-day mandatory training on September 20<sup>th</sup>, and attending  
8 a national habeas conference on September 26<sup>th</sup> through the 28<sup>th</sup>.

9 8. On September 13, 2018, Deputy Attorney General Jessica Perlick was  
10 contacted via email and stated that she did not object to the extension, but the lack  
11 of objection should not be construed as a waiver of any procedural defenses, nor as a  
12 concession that any amended petition will be considered timely filed, nor as a basis  
13 for equitable tolling.

14 9. For the above stated reasons, Petitioner respectfully requests this  
15 Court grant the request for an extension of time of sixty (60) days and order the  
16 Amended Petition to be filed on or before November 16, 2018.


1 Dated this 14<sup>th</sup> day of September, 2018.  
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3 Respectfully submitted,

4 Rene L. Valladares  
5 Federal Public Defender

6 /s/ CB Kirschner  
7 C.B. Kirschner  
8 Assistant Federal Public Defender  
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11 IT IS SO ORDERED:

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14 RICHARD F. BOULWARE, II  
15 UNITED STATES DISTRICT JUDGE

16 DATED this 17th day of September, 2018.  
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

Luis Gonzalas  
#1016275  
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An Employee of the  
Federal Public Defender